

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

Hearing Date: June 28, 2023 at 1:00 p.m. (ET)

Obj. Deadline: At or before the hearing

**DEBTORS' MOTION FOR LEAVE TO FILE REPLY TO THE LIMITED  
OBJECTION OF THE UNITED STATES TRUSTEE TO DEBTORS'  
MOTION TO ESTABLISH CUSTOMER BAR DATE**

FTX Trading Ltd. and its affiliated debtors and debtors-in-possession (collectively, the “Debtors”), by and through their undersigned counsel, hereby submit the *Debtors’ Motion for Leave to File Reply to the Limited Objection of the United States Trustee to Debtors’ Motion to Establish Customer Bar Date* (the “Motion for Leave”). In support of the Motion for Leave, the Debtors respectfully state as follows:

**JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this Motion for Leave pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States

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<sup>1</sup> The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification number are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>. The principal place of business of Debtor Emergent Fidelity Technologies Ltd is Unit 3B, Bryson’s Commercial Complex, Friars Hill Road, St. John’s, Antigua and Barbuda.

Constitution.<sup>2</sup> Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for the relief requested herein is section 105(a) of title 11 of chapter 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (as amended or modified, the “Bankruptcy Code”).

### **BACKGROUND**

3. On November 11 and November 14, 2022 (as applicable, the “Petition Date”), the Debtors filed with the Court voluntary petitions for relief under the Bankruptcy Code. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Joint administration of the Debtors’ cases (the “Chapter 11 Cases”) was authorized by the Court by entry of an order on November 22, 2022 [D.I. 128]. On December 15, 2022, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”) appointed an Official Committee of Unsecured Creditors (the “Committee”) pursuant to section 1102 of the Bankruptcy Code [D.I. 231].

4. On June 14, 2023, the Debtors filed the *Motion of the Debtors for Entry of an Order (I)(A) Establishing Deadlines for Filing Customer Proofs of Claim, (B) Approving Procedures for Submitting Proofs of Claim and (C) Approving the Form and Manner of Notice Thereof and (II) Granting Related Relief* [D.I. 1635] (the “Customer Bar Date Motion”).

5. Pursuant to the *Notice of Motion* [D.I. 1635-1] filed in connection with the Customer Bar Date Motion, objections or responses to the Customer Bar Date Motion were due on or before June 21, 2023 at 4:00 p.m. (ET), which was extended for the U.S. Trustee to June 24,

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<sup>2</sup> Pursuant to Local Rule of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) 9013-1(f), the Debtors hereby confirm their consent to entry of a final order by this Court in connection with this Motion if it is later determined that this Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

2023 (the “Extended Objection Deadline”).

6. On June 24, 2023, the U.S. Trustee filed the *Limited Objection of the United States Trustee to Debtors’ Motion to Establish Customer Bar Date* [D.I. 1701] (the “Objection”).

7. A hearing on the Customer Bar Date Motion is scheduled for June 28, 2023 at 1:00 p.m. (ET) (the “June 28 Hearing”).

### **RELIEF REQUESTED**

8. Through this Motion for Leave, the Debtors respectfully request entry of the proposed form of order attached hereto as **Exhibit A** granting the Debtors leave to file the *Debtors Reply in Support of Debtors’ Customer Bar Date Motion* (the “Reply”) attached hereto as **Exhibit B**.

### **BASIS FOR RELIEF**

9. Pursuant to Local Rule 9006-1(d), “[r]eply papers by the movant ... may be filed by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda.” Del. Bankr. L.R. 9006-1(d). Since the agenda for the hearing on the Customer Bar Date Motion was required to be filed on June 26, 2023 at 12:00 p.m. (ET), pursuant to Local Rule 9006-1(d), the deadline to file a reply was June 25, 2023 at 4:00 p.m. (ET). Given the Extended Objection Deadline, the Debtors had less than 24 hours from when the U.S. Trustee filed the Objection to the deadline to file a reply, which simply did not provide sufficient time for the Debtors to draft, finalize, obtain approval of and file the Reply prior to the deadline set forth in the Local Rules.

10. By this Motion for Leave, the Debtors respectfully request that the Court grant the Debtors leave and permission to file the Reply. Counsel to the U.S. Trustee has advised that the U.S. Trustee does not oppose the Debtors’ request for leave to file the Reply. The Debtors believe that the Reply will assist the Court in the consideration of the Customer Bar Date Motion and the

Objection, and will provide additional background and support for the relief requested in the Customer Bar Date Motion.

**NOTICE AND NO PRIOR REQUEST**

11. The Debtors have provided notice of this Motion for Leave to: (a) the U.S. Trustee; (b) counsel to the Committee; (c) the Securities and Exchange Commission; (d) the Internal Revenue Service; (e) the United States Department of Justice; (f) the United States Attorney for the District of Delaware and (g) to the extent not listed herein, those parties requesting notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested in this Motion for Leave, the Debtors respectfully submit that no further notice is necessary.

12. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

WHEREFORE, the Debtors respectfully request that the Court enter the proposed order submitted herewith granting the Debtors leave and permission to file the Reply, and granting such other and further relief as the Court deems just and proper.

Dated: June 26, 2023  
Wilmington, Delaware

**LANDIS RATH & COBB LLP**

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